United Nations A/HRC/37/NGO/38

General Assembly

Distr.: General
6 February 2018

English and Spanish only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01730(E)
1801730

Please recycle

The 2016 GA Declaration on the right to peace: an assessment

Upon proposal by the HR Council, the General Assembly adopted on 19 December 2016 resolution 71/1891 in a divided vote of 131 in favor, 34 against and 19 abstentions. The resolution approved the Declaration on the Right to Peace as proposed by the HR Council. Its substantive part only has two articles, as follows:

Article 1.Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.
Article 2.States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies.

528 world-wide CSO led by the Spanish Society for International Human Rights Law (SSIHRL) and the International Observatory for the Human Right to Peace (IOHRP), rejected the GA Declaration as insufficient, since it did not recognize the human right to peace nor its essential components. With this divided vote, the Declaration should have been more ambitious, as claimed by CSO, which proposed as essential components the following:

- The preamble to spell out the legal bases of the right to peace in international human rights law.
- The right-holders are individuals, groups, peoples, minorities and humankind.
- The States' obligations to refrain from the use or the threat of use of force in international relations; and from imposing unilateral sanctions. In addition, States shall strengthen the three foundation pillars of the UN in the fields of international peace and security, human rights and development; facilitate the contribution of women to the peaceful settlement of disputes and the maintenance of peace after conflicts; suppress propaganda of war; respect the right of peoples to self-determination; and reform the Security Council to ensure compliance with its obligations under the Charter of the United Nations.
- The right to disarmament.
- The right to education on peace and human rights. Cultural violence and discrimination against women must be eliminated.
- The right to human security, including freedom from fear and freedom from want.
- The right to resist and oppose oppression from colonialism, foreign occupation, domestic oppression, aggression, genocide, racism, apartheid, war crimes and crimes against humanity. Private military and security companies, as well as UN peacekeepers, shall be accountable for violation of human rights. Victims have the right to know the truth, to obtain redress, justice, reparation and to guarantees of non-recurrence. Refugees shall enjoy refugee status. Migrants should enjoy human rights without discrimination.
- The rights to development and to environment2.

Some States, which were aware of the premature interruption of the codification and progressive development of the human right to peace at the HR Council and the opposition showed by CSO, expressed their will to continue the discussion at the General Assembly. The GA itself decided "to continue consideration of the question of the promotion of the right to peace at its seventy-third session under the item entitled "Promotion and protection of human rights"3.

---

1 *Vid* http://www.un.org/es/comun/docs/index.asp?symbol=A/RES/71/189&referer=/spanish/&Lang=E

2 Draft *UN Declaration on the Human Right to Peace* updated on 20 September 2017 and signed by 528 CSO available at
http://aedidh.org/wp-content/uploads/2017/09/Draft-UN-Declaration-HRP-20.9.17.pdf

3 In 2018. Paragraph 3 of GA res. 71/189.

For its part, the HR Council adopted in 2017 resolution 35/4, calling for a workshop to be held in 2018 on the implementation of the Declaration on the Right to Peace with participation of civil society4.

We invite the HR Council to appoint a Special Rapporteur on the Human Right to Peace, with the mandate of revising the 2016 Declaration in consultation with CSO and all interested stake-holders, so that the human right to peace and all its essential components be recognized.

In addition, the United Nations Conference adopted in 2017 the *treaty on the prohibition of nuclear weapons*5, including its production, stockpile, use or threaten to use nuclear weapons, as well as prohibition of any stationing, installation or deployment of any nuclear weapons.

While nuclear States and their allied did not take part in the vote, the adoption of the treaty, which is essential to maintain peace and international security, stressed once again that the GA has the majority to approve a new declaration or even a treaty recognizing the human right to peace and its essential components.

To conclude, the SSIHRL and the IOHRP, joined by 528 world-wide CSO which signed the draft UN Declaration on the Human Right to Peace updated on 20 September 2017, will continue promoting their draft because it acknowledges the interests of civil society, with a view to persuade States to revise the Declaration on the Right to Peace adopted by the GA in 2016, to the insatisfaction of the international civil society.

---

4 Res. 35/4 of 22 June 2017. Adopted by 32 in favor, 11 against and 4 abstentions. The resolution was sponsored by Cuba and other developing countries.

5 Adopted on 7 July 2017 by 122 votes in favor, one against (Netherlands) and one abstention (Singapore). Doc. A/CONF.229/2017/L.3/Rev.1 of 6 July 2017 available at http://www.undocs.org/en/a/conf.229/2017/L.3/Rev.1
The treaty will require 50 ratifications to enter into force.